

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**IN RE: RECALLED ABBOTT INFANT
FORMULA PRODUCTS LIABILITY
LITIGATION**

This Document Relates to:

ALL ACTIONS

MDL 3037

Case No. 22 C 4148

Judge Matthew Kennelly

**DECLARATION OF CRISTINA SABBAGH IN SUPPORT OF APPLICATION
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

COMES NOW YOUR DECLARANT, Cristina Sabbagh who states the following: I respectfully submit this Application in support of my proposed appointment to the Plaintiffs' Steering Committee in Multi-District Litigation ("MDL") No. 3037 or in such other role this Court deems appropriate. This Declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Plaintiffs' Steering Committee ("PSC") and proposed Co-Lead Counsel. *See generally Joint Motion to Appoint Plaintiffs' Co-Lead Counsel and Plaintiffs' Steering Committee ("Joint Motion").*

1. I was born in Chicago, IL but grew up and attended university and law school in South Florida. I am one of the eldest grandchildren in a large Puerto Rican and Colombian family. I was the first person on my father's side of the family to graduate college and obtain an advanced degree. I am 33 years old and the mother of two young children, ages 4 and 2. My upbringing, Spanish fluency, and being a young, working mom, provides the comfort, reassurance, and relatability many of my clients often need.
2. My family always looked to me to lead. With my interests, academic strengths, and concern for helping people, the law was a natural fit. While in law school from 2012-2015, I worked full-time at Schlesinger Law Offices as a Florida Registered Paralegal, providing support on multiple trials, and assisting in all aspects of litigation.
3. I have practiced at the Schlesinger firm since becoming a lawyer. I am backed by lawyers who have over a hundred years of combined experience advocating for those who have been wrongfully hurt or killed. This support system has encouraged and enabled me to gain meaningful experience the moment I became licensed. I have played a part in everything from pre-suit investigations to case initiation, from propounding written discovery to taking and/or defending client, fact, and expert witness depositions, from pretrial hearings to examining witnesses in jury trials. I routinely helped determine the

experts we needed to hire; retained those experts; prepared them for deposition; and defended them at deposition. I have drafted and argued substantive motions.

4. I undertook substantial roles in major, catastrophic, multi-million-dollar personal injury cases. One example is *Schnur v. Jonathan's Landing Golf Club, Inc.*, No. 2016-CA-9822 (15th Jud. Cir. Palm Beach, FL) where my firm represented the former chief accountant of the U.S. Securities and Exchange Commission, who became paralyzed in a bicycle accident involving negligent construction. I was actively involved in that case from inception to conclusion, which resulted in a \$42 Million jury verdict and a judgment of \$12 Million.
5. I have drafted numerous motions and responses on a variety of complex issues like federal preemption and the Tobacco Control Act, Daubert, and the Apex Doctrine. I have also handled pro bono probate and estate-planning matters on behalf of indigent Floridians in need of legal aid. My efforts earned awards and recognition. I was named a Rising Star by SuperLawyers in 2021 and 2022; a National Trial Lawyers Top 40 under 40; and received the Pro Bono Attorney of the Month award by Legal Aid in February of 2017 and 2022.
6. My firm has the financial wherewithal and attorney bandwidth to support my efforts and the collective efforts of the attorneys charged with prosecuting this important case. I have been involved with this litigation since its inception. I enjoy working with the many families my firm represents. More than working with clients, I am also a team player. I participated in and attended an early meeting, held in Chicago, of plaintiffs' lawyers who gathered to organize and move this litigation forward by developing uniform case strategies.
7. The Schlesinger firm filed some of the first cases in this litigation: *Ephraim v. Abbott Laboratories, Inc.* No. 22-cv-20516 (S.D. Fla.) which was filed on February 20, 2022, and *Laciste*, No. 22-cv-756-RBD (M.D. Fla.) which was filed on April 19, 2022. My firm has filed four actions to date, represents dozens of plaintiffs whose cases will be filed, and is investigating the cases of numerous other potential claimants. In addition, my firm is working with multiple health agencies to investigate the contamination of Abbot infant formula.
8. The Schlesinger firm was founded over 60 years ago. Since the 1950s, the firm has been at the forefront on difficult tort cases. Notable achievements include: obtaining the nation's first plaintiff's verdict against Toyota, and recovering a \$90 Million judgment against General Motors, for knowingly failing to fix their respective vehicles' susceptibility to fuel-fed fires. Schlesinger Law's work against the tobacco industry led to an \$11 Billion settlement for the state of Florida. That settlement then served as a catalyst and template for the Master Settlement Agreement later obtained by other states' attorneys general. Juries have awarded Schlesinger's *Engle* progeny tobacco litigation clients millions of dollars in compensatory and punitive damages, like in *Grossman*, \$38 Million; *Boatright*, \$35 Million; and *Landi*, \$20 Million. The firm has prosecuted toxic tort and automobile defect class actions, construction defect, food poisoning, financial fraud, and medical negligence cases – including numerous actions on behalf of injured infants and young children.

9. My firm is experienced in multi-district and other complex litigations. For example, Scott Schlesinger, the principal of the firm, was appointed Lead Counsel in *In re: Santa Fe Natural Prod. Liab. Litig.* (D.N.M.) MDL No: 2695. Mr. Schlesinger was appointed Lead Trial Counsel in the *JUUL Labs Product Cases (JCCP No. 5052)*, which parallels the MDL *In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, 3:19-md-2913-WHO (N.D. Cal.). Mr. Gdanski, of Schlesinger Law, too was appointed to the Plaintiffs' Steering Committee in the MDL. Schlesinger Law is also involved in the Pelvic Mesh and Metal-on-Metal Hip MDLs. Our attorneys are among the few that have actually tried MDL-remand cases in these matters. See *Bayless v. Boston Scientific & Coloplast*, 6:20-cv-831-RBD (M.D. Fla.); *Swintelski v. American Medical Systems, Inc.*, 20-cv-60410-AMC (S.D. Fla.); *Shears v. Johnson & Johnson*, 1:20-cv-264-IMK (N.D. W. Va.); and *Nicholson v. Biomet Inc.* 3:18-cv-03057-CJW (N.D. Iowa) (\$3.6 Million verdict recently upheld by the 8th Circuit Court of Appeals, No. 21-2263, 2022 WL 3642917 (8th Cir. Aug. 24, 2022)). The firm was also Co-lead Counsel in the "second generation" blood factor contamination cases, representing over 1,000 South American plaintiffs who contracted HIV and/or Hepatitis C from contaminated and defective blood factor products produced by defendant pharmaceutical companies. *In re Factor VIII or IX Concentrate Blood Prod. Liab. Litig.*, MDL No. 986 (N.D. Ill.).
10. I recognize that while I am experienced, I have not yet been appointed to any steering or executive committees in an MDL. But you must start somewhere. I believe I am at a unique point in my career where I can utilize what I have learned thus far to aid the young mothers, fathers and, most importantly, their precious newborn babies who need the care and legal acumen I will provide to navigate the rough terrain of this litigation. Arthur Ashe once said, "Start where you are. Use what you have. Do what you can." MDL Guidelines and Best Practices, and recent MDL court orders on leadership appointments share this sentiment. See Best Practice 4E of the Guidelines and Best Practices For Large and Mass-Tort MDL, (Second Edition), and *In re Zantac (Ranitidine) Prod. Liab. Litig.*, MDL No. 2924 at PTO #20 (noting, "The Court also sought to appoint a diverse leadership team that is representative of the inevitable diversity of the Plaintiffs in this case, and a team that affords younger and slightly less experienced attorneys an opportunity to participate in a leadership role in an MDL."). My selection here would be consistent with the goals of fostering diversity and inclusion. If Your Honor will allow me to start where I am, I promise to use everything I have and do everything I can to represent the plaintiffs efficiently, fairly and effectively in this important litigation.
11. I would be honored to be selected to a position on the Plaintiffs' Steering Committee.

Respectfully submitted,

Dated this 2nd day of September, 2022

SCHLESINGER LAW OFFICES, P.A.

s/Cristina Sabbagh

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